

## North York Moors National Park Authority

<b>Scarborough Borough Council (North)</b> <b>Parish: Eskdaleside-Cum-Ugglebarnby</b>	<b>App Num. NYM/2013/0626/FL</b>
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**Proposal:** change of use of land and construction of 5 no. dwellings with associated access road, parking and landscaping works

**Location:** land to the west of Coach Road, Sleights

**Applicant:** Land Contractor Services Ltd, Suite 8, Batley Business Park, Technology Drive, Batley, West Yorkshire, WF17 6ER

**Agent:** BHD Partnership, fao: Neil Duffield, Airy Hill Manor, Waterstead Lane, Whitby, North Yorkshire, YO21 1QB

**Date for Decision:** 08 November 2013

**Grid Ref:** NZ 486567, 506758

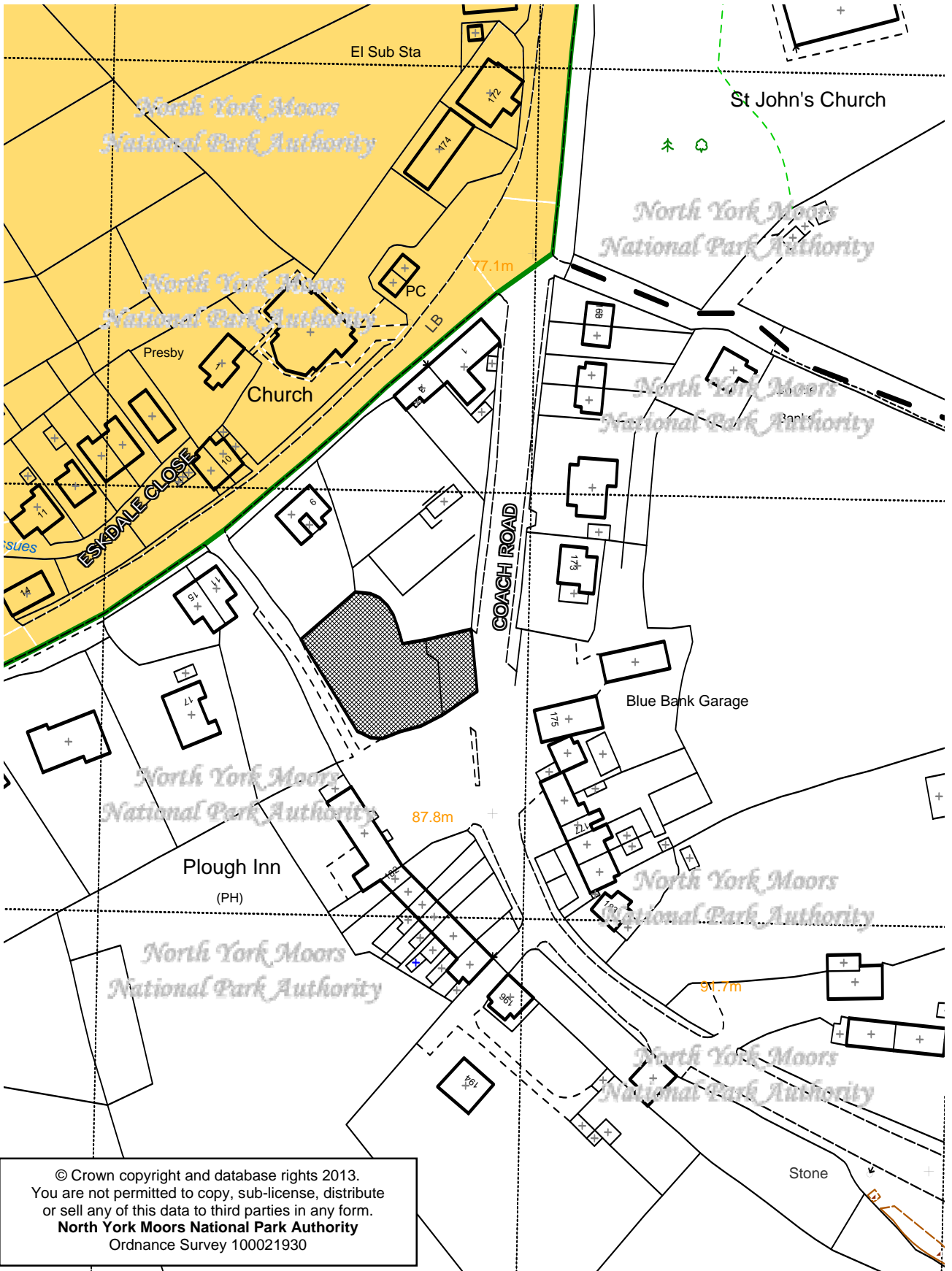
### Director of Planning's Recommendation

**Approval** subject to the following conditions and subject to the applicant entering or providing a Section 106 Legal Agreement/undertaking for the provision of a commuted sum in lieu of the provision of affordable housing:

1. TIME01 Standard Three Year Commencement Date
2. PLAN02 Strict Accordance With the Plans/Specifications or Minor Variations
3. HWAY01 Detailed Plans of Road and Footway Layout (Outline All Types) (part 1 of 2)
4. HWAY02 Construction of Roads and Footways Prior to Occupation of Dwellings (Residential)
5. WPDR01 Withdrawal of all PD Parts 1 & 2 and 40 Classes A to I
6. GACS17 Levels - Development - Submit Details
7. MATS02 Stone and Tiles to be Approved
8. MATS06 Stone Panel
9. MATS60 Windows and Doors - Timber
10. MATS61 Windows and Doors - Submit Details of Colour/Finish
11. MATS70 Guttering Fixed by Gutter Spikes
12. MATS72 Black Coloured Rainwater Goods
13. MATS73 External Fixtures
14. DRGE01 Surface Water and Foul Drainage Details
15. LNDS01 Landscaping Scheme Required
16. MISC13 CO2 Details to be Submitted

#### Reasons for Conditions

1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2. For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
3. In accordance with NYM Development Policy 23 and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.



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**Reasons for Conditions (continued)**

4. In accordance with NYM Development Policy 23 and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.
5. In order to enable the Local Planning Authority to retain control over future alterations to the property in the interests of safeguarding the existing form and character of the building in line with NYM Development Policy 3 and NYM Core Policy A, which seek to enhance and conserve the special qualities of the NYM National Park and secure high quality design for new development.
6. In order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to conserve and enhance the special qualities of the National Park and ensure that new development is of a high quality and respects the character of the locality.
- 7 & 8. For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that building materials are of a high quality and compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
- 9 to 13. For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
14. To avoid pollution of watercourses and to comply with the provisions of NYM Development Policy 1, which seeks to ensure that new development has satisfactory provision for the disposal of foul and surface water.
15. In order to comply with the provisions of NYM Development Policy 3 which seeks to ensure that new development incorporates a landscaping scheme which is appropriate to the character of the locality and retains important existing features.
16. In order to comply with the provisions of NYM Core Policy D which seeks to ensure that new development contributes to reduce carbon emissions.

### **Consultations**

**Parish** - Object to the proposed development for the following reasons: Over-development of the site, issue of runaway lorries, detached house could be re-aligned to move it from the "firing line" for lorries, should not be used as holiday homes and dwellings should be covered by Local Occupancy condition.

**Highways** - No objections subject to conditions.

**Yorkshire Water** - No comments required providing the surface water is dealt with by soak-away as detailed on plans.

**Environmental Health Officer** - No objections.

**Police Architectural Liaison Officer** - No objections and makes recommendations for Secured By Design Status. There is a retaining perimeter wall on the south east and south west sides of the site and this should be 1.8m in height for security purposes. The site is well laid out from a secured by design point of view.

**Site Notice/Advertisement Expiry Date** - 09 October 2013.

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## Consultations (continued)

**Others - Mr and Mrs Grayson, 11 Eskdaleside, Sleights** - Object to the proposed development on road safety and design grounds. A number of photographs of a crashed lorry have been submitted with the objection. The site has a long history of overturned wagons. Vehicular access in and out of the site would be dangerous. The density of development seems very high. The dwellings will directly overlook 11 Eskdaleside and the neighbouring property's garden.

**Ms S Willmington, Red barn Farm, Littlebeck** - Objects to the proposed development on road safety grounds.

**Mr R Duck, Windsor Cottage, Eskdaleside, Sleights** - Objects to the scheme on road safety grounds and raises a number of questions about the site boundaries shown on the plans.

**Mr D Mortimer, 192 Coach Road, Sleights and Mr and Mrs Mortimer, 194 Coach Road, Sleights** - Object to the proposed development on road safety and design grounds. There is an existing problem with runaway trucks entering the site. The semi-detached dwellings at 3 storeys with steep pitched roofs are out of character with the area. The design is more in-keeping with a town than a village. The development should be completed entirely in coursed stone. The proposed solar panels which are not shown on the drawings would mean that the units with velux windows could not have them. The access should not be adopted by North Yorkshire as it is only a drive.

**Mrs S Bailes, 17 Eskdaleside, Sleights** - Objects to the proposed development as the site is vulnerable to runaway lorries. The site is very small with no amenity space.

**Mr P White, 15 Eskdaleside, Sleights** - Object to the proposed development as the access point is close to the bad bend at the bottom of Blue Bank. Vehicle speed in this area is often in excess of the speed limit and there is a problem with runaway trucks.

**Mr E Parkinson, Woodlands, Sleights** - Comments that the land is wasteland at present and is not readily visible in the street scene. Houses are small and a terrace may be better. Questions if the levels proposed are achievable. Asks that chimney pots and wooden windows be included in the scheme.

**Mr M Barkess, 44 Somerset Street, Middlesbrough** - Supports the proposed development as it will improve the appearance of this part of the village. Stone and traditional tiles should be used.

**Mrs B Shipley, Sleights Hall, Coach Road, Sleights** - Supports the proposed development which will provide much needed local housing. The site is not readily visible and the development will not impact upon anyone. The issue of lorries running away has been largely solved by the arrester bed.

**Mr M Gibson, 3 Sandygap, Haxby** - Supports the proposed development which will provide much needed housing in this village. This development will have a positive impact on the appearance of the area. Houses should be finished in herringbone stone.

## Background

The application site is located adjacent to Coach Road in Sleights at the northern edge of the National Park in the village of Sleights. The site is bounded to the east by the A169, Coach Road and to the south by The Plough Inn. To the west and north are a number of residential properties. The site is set well below street level and is gently sloping with a number of imposed man made level changes.

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**Background (continued)**

The site is generally overgrown with scrub and due to its location below the road is not considered to be an important open site within the village.

The current application is for the development of five open market houses on the site and associated access and parking. The application proposes the development of four semi-detached 3no. bedroom dwellings and a detached 2no. bedroom dwelling. The dwellings will step down the site generally following the contours of the site. Materials will match those in the locality with stone and brick with clay pantiles and natural slate.

The applicant has submitted a financial viability appraisal with the application in order for the affordable housing contribution of the development to be assessed.

**Main Issues**

The main issues are considered to be whether the required mix of affordable housing is met through the scheme, whether the development has any detrimental impact on the special qualities of the National Park, whether the proposed development will itself have a satisfactory level of amenity, whether the development will impact adversely on residential amenity in the vicinity of the application site and whether the development will have any detrimental impacts in terms of road safety.

The most pertinent Local Development Framework policies are Core Policy A (Delivering National Park Purposes and Sustainable Development), Core Policy J (Housing) and Core Policy D (Climate Change) and Development Policy 3 (Design).

Core Policy A of the Local Development Framework seeks to ensure that new development conserves and enhances the Park's special qualities; with priority being given to ensuring development does not detract from the quality of life of local residents and supports the character of a settlement.

Core Policy D of the Local Development Framework seeks to address the cause of climate change and contribute to reducing greenhouse gas emissions in a number of ways, including generating energy from renewable sources where they are a scale and design appropriate to the locality, and which contribute towards meeting domestic, community or business energy needs within the National Park. This includes requiring residential developments of five or more dwellings to generate energy on-site from renewable sources to displace at least 10% of predicted CO2 emissions.

Core Policy J of the Local Development Framework seeks to ensure the provision of a mixture of housing types and tenure to maintain the vitality of local communities, consolidate support for services and facilities and support the delivery of more affordable housing. This is to be achieved through locating all open market housing, including new build and converted units to the Local Service Centre of Helmsley and the Service Villages (including Sleights), as well as other measures including supporting the development of local needs housing within the main built up area of the local service villages and other villages, and restricting new housing development in the open countryside to that which is proven as essential for farming, forestry or other essential land management activities.

Development Policy 3 seeks to maintain and enhance the distinctive character of the National Park by ensuring that the siting, layout and density of development preserves or enhances views into and out of the site; that the scale, height, massing, materials and design are compatible with surrounding buildings; that the standards of design details are high and complements that of the local vernacular; good quality sustainable design and construction techniques are incorporated; that there is satisfactory landscaping and that the design takes into account the safety, security and access needs for all potential users of the development.

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**Affordable Housing Viability**

Core Policy J supports the development of open market housing in Service Villages such as Sleights. Where two or more residential units are proposed there is a requirement for a proportion of these units to be affordable. The Core Policy J target of 50% has expired and the threshold is now set at "whatever is viable". The Authority considers that this approach is in conformity with paragraph 47 of the NPPF which states that Local Plans should meet the full objectively assessed needs for market and affordable housing.

The applicants have been given advice in advance of the planning application in terms of the requirements set out in the Affordable Housing SPD and have submitted financial information accordingly. Their submitted assessment shows that no full units of affordable housing provision are viable on site. However, the developers have offered a financial contribution of £25,000 to meet the part viability of a unit. Since submission of the application the applicant has been asked to carry out an assessment in accordance with the Homes and Communities Agency (HCA) criteria for viability. That assessment used a large site/strategic model and has essentially re-enforced the inability of the development to provide for on-site affordable units. This is largely due to the cost of the difficult access into the site and the protection measures required to the roadside which is significantly higher than the finished site levels.

Officers have concerns that the HCA model used is not the appropriate one for this site and the contribution of a commuted sum of £25,000 is the subject of discussion with an independent valuer. It is likely that the assessment will produce a figure of less than one unit and therefore is likely to be used in conjunction with Scarborough Borough Council's programme to create affordable homes from empty homes in the Sleights locality. Members will be updated at the Meeting.

**Impact on Special Qualities**

The site is currently covered in scrub on what is effectively a brown-field site within the village. Due to the site levels which drop down steeply from the road, the development does not have a street frontage as such. The applicant has been in discussion with officers to find a suitable way of developing the site. It is noted that at least one comment was received that a greater number of houses could be fitted onto the site. The proposed scheme is considered to fit within the context of the village which offers a variety of housing in a number of different styles and forms. The materials will match those found in the locality and the design and form of the development is in-keeping with the locality.

The proposed development is not considered to have any detrimental impact on the special qualities of the National Park.

**Residential Amenity Impacts**

These impacts fall into two sections, firstly the impact on the amenity of neighbouring properties and secondly the level of amenity offered to the occupiers of the proposed dwellings. The site is very tight and is bounded on two sides by the garden grounds of the neighbouring houses. Plots four and five have the greatest implications in this respect as they front onto the rear garden ground of number 11 Eskdaleside. The rear gardens of plot 4 and 5 are very small at only 2.5m in depth. However, the site is separated from the neighbouring garden by a narrow access resulting in a separation distance of approximately 8m. The garden ground of Number 11 is relatively deep at approximately 40m.

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**Residential Amenity Impacts (continued)**

The area which would normally be at most risk of harm from over-looking would be the first 10 to 20 m from the rear of the house. This area, whilst visible from the proposed houses, is not directly overlooked by the proposed houses, being at an oblique angle to them.

There are no windows in the gable elevation of the proposed unit to Plot 5 and as such the garden ground to the north of the site is not considered to be overlooked. Due to the height of the gable, the garden ground to the north of the site will be partially overshadowed by the proposed development. However, this overshadowing is considered to be minimal and will not result in a significant loss of amenity to the occupier of the property.

As already intimated the gardens / amenity space associated with the proposed dwellings is very small although each dwelling has two car parking spaces. A sizeable percentage of the site is taken up by the access road, turning head and parking. Whilst a larger garden/building plot ratio would be preferred this would reduce the number of units on the site and increase the value of the remaining units. A greater number of smaller, lower value units are considered to be more beneficial to the community than one or two large executive homes and meets the 'range' of house sizes sought by Core Policy J and which occasionally happens with open market housing in the Park. The lack of external space is not considered to necessarily result in a lack of residential amenity given the size and form of the proposed dwellings and their location in the village close to village amenities and close to the open spaces of the National Park.

In conclusion the proposed development will not result in a significant loss of amenity to neighbouring occupiers and the occupiers of the development will have an adequate level of amenity.

**Road Safety**

The question of runaway lorries on Blue Bank has been raised by a number of objectors and indeed this has been a known road safety problem in this location. From the conception of this scheme the Highways Authority has been consulted on the appropriateness of the development of this site and concluded that a number of factors were at play. Formerly, prior to the development of the arrester bed on Blue Bank there were regular problems with lorry brake failures. These are now largely a thing of the past with modern lorry design and maintenance. The arrester bed has been built and is designed to prevent runaway lorries from getting any further into the village. The last factor is one of built protection whereby the Highway Authority felt that any remaining risk could be dealt with by way of a physical barrier of some kind. The Highways Authority has raised no objections to the scheme subject to a number of conditions with regard to the building of the access. Subject to compliance with these conditions the development will not in itself have any detrimental impact on road safety in the vicinity of the site and the issue of runaway lorries can be adequately mitigated.

The applicants will need to seek a Highway approval for works close to the Highway and to ensure mutual safety of road users and future residents. Officers are also liaising with Building Control to see if they will also be covered when applying for Building Regulation Approval. Members will be updated at the meeting.

**On Site Renewables**

In order to comply with the requirements of Core Policy D, the applicant's have included the provision of solar PV panels into the design which would meet the on-site renewable energy targets of the Policy.

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**Conclusions**

The proposed development will provide small scale housing within the village of Sleights and the development is not considered to have any significant detrimental impacts on the special qualities of the National Park. The development whilst having some minor impacts on residential amenity, this is not considered to be sufficiently harmful to warrant a recommendation for refusal.

The issue raised by local residents about runaway lorries can be mitigated both through existing on road measures and through the detailed development of the site. Subject to resolution of the affordable housing viability contribution, the scheme is supported and approval is recommended.

**Contribution towards the Objectives of the Management Plan**

Approval of the development with its contribution to providing off site affordable housing would help the Authority to meet the aspirations of Community Policy 9 aimed at providing opportunities for housing to meet the needs of local people.

**Explanation of how the Authority has Worked Positively with the Applicant/Agent**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.